PS

C.F. 71

19 35

Department of L R & S

OFFICE Board of Rev.

STATION Madras.

M & No. 4-935	
Dated 22-12-35	

14579

Pages in the file

(SUBJECT.)

Irrigation Minor. (Private) - Kudligi Taluk - Thippihalli Village. Tank. (private) - Reservation by Govt Agent - exemption from water cess Instructions - Issued.

RP. 94.

C.F. 32.

Reply, please quot number, date and short title.*

DEPARTMENT OF REVENUE

Received ... Registered ...

15 AUG 1935

BOARD OF REVENUE (LAND REVENUE AND SETTLEMENT)

From (Name) T. Bhaskara Rao Esq., I.C.S.,

(Designation) Collector

Post Box ..., (Station) Bellary

Telegraphic Address ...

M. ~~5924~~ 5793

To

The Secretary to the Commissioners,

Land Revenue & Settlement,

R.C. No. 2091/35, dated 10-8-1935 19 MADRAS.
Sir, A-3.

ENCLOSURES.....
Roc 162 of
14.8.1898 of
the Bellary Collr
SPARE COPIES.....

Irrigation - minor (Bellary) - Kudligi taluk Thippihalli village - Tank (Private) resumed by Government - ayacut - exemption from water rate - instructions.

Permission was granted for the construction of a private tank under ~~B.S.O.~~ B.S.O. No. 7 (old B.S.O.8) by the Collector of Bellary in his R.Dis. 162 dated 14-8-1898 in Thippihalli village of Kudligi taluk - subject to certain conditions. The grantees violated some of the conditions and water rate was ordered to be levied on the lands forming the wet ayacut under the said tank in the year 1914 in this office R.Dis. 170 dated 10-6-1914. The ayacutdars filed a civil suit against the Government for the recovery of the amount collected as water rate, and the suit was compromised under instructions from the Board of Revenue in its B.P. No. 3447/W. 1140 Mis. dated 23-11-1915. The order levying water rate was cancelled as a result of the compromise and another agreement was obtained in 1918 from the grantees.

2. As the terms of the fresh agreement were also violated, water rate was being collected on the ayacut lands since Fasli 1328 (1918-1919). The tank was subsequently resumed in 1920 and included in the list of derelict tanks in the year 1927 to be repaired by the Tank Restoration

Restoration Scheme party at any future date. But no amount was spent for its upkeep by the Government after its resumption.

3. In 1931 the grantees once again applied for permission to put the tank in good repair, and their request was considered to be reasonable and an estimate was called for. An undertaking was obtained from the ayacutdars to execute the repairs according to the estimate prepared by the Minor Irrigation Overseer for Rs. 710/- within a period of one year, and the grantees were permitted in 1932 once again to carry out the necessary repairs - under the provisions of B.S.O. 7-para 3. The Sub Collector has since reported that the tank has been satisfactorily repaired and recommended the exemption of the ayacut from water rate.

4. I solicit instructions whether the tank in question should be treated as a Government ruined tank after its resumption in 1920 and dealt with under B.S.O. 8, or as a private tank coming under the purview of B.S.O. No. 7 in view of the fact that no amount was spent by Government after it was resumed.

H-13-14 Vol

H-13-13 Vol I

5. This office R.Dis. 162 dated 14-8-1898 is enclosed for reference and return.

(S)

P.S. 12/8.

For Collector.

C.F.16.

DRAFT FOR APPROVAL.

	Date.	Initials.
When received for fair copying ..		
When copied ..		
When examined..		
When signed ..		
When despatched.	23 AUG 1935	

SUBJECT:— Irrigation - Muior (Bellary) - Kudlig, Jalakanur Thippikalli Village - Tank (Private) resumed by Govt - ayacut - Exemption from water rate - Instructions

READ AGAIN , dated 19

" " " " 19

READ *ALSO*:—

No. M5793 From the Collr Bellary No. Rc 2091/35 A3, dated 10-8-19 35.

" " " " 19

" Ref " M 5793/35-1 " 19

~~Order~~ ~~Ms.~~ ~~Resolution~~ ~~Rout.~~ No. , dated 21-8-19 35

The Collector is requested to ascertain and report whether the ayacutdars are willing to pay the back assessment on the land forming the bed and bund of the tank since 1920 when it was resumed, or to pay a special rate on the lands forming the ayacut.

To The Collector of Bellary.

20/8/35

Rc 2091/35

20835

R to Colr 21-8-35

Govt 7 20835

MP 21/8

C.F. 32-(a).

In reply, please quote number, date and short title.

Revenue DEPARTMENT.

Received 5 *Registered* M6990

From (Name) T. Bhaskara Rao Esq., I.C.S.,

(Designation) Collector

Post Box ....., (Station) Bellary.

Telegraphic Address .....

BOARD OF REVENUE 14 OCT 1935 LAND REVENUE AND SETTLEMENT

To The * Secretary to the Commissioners,

Land Revenue & Settlement,

M a d r a s.

R.O.C. *No.* 2091/35, *dated* 10th October 19 35

Sir,

* I R R I G A T I O N - Minor(Bellary) Kudligi taluk- Thippihalli- village- Tank (private) ~~resumed~~ resumed by Government- Ayacut- exemption from water rate ~~forth~~ further report submitted.

Ref. Board's No. M 5793/35-1 dated 21-8-1935.

The ayacutdars of the tank are unwilling to pay the back assessment or special rate of assessment for any of the previous years on the lands forming the ayacut. Their statement is enclosed.

ENCLOSURES .....

.....one.....

SPARE COPIES .....

I.S. 12.10.A. 121085

For Collector.

Statement of the arguments of
the Thiphehalli private Tank

Byrne
Secretary
R.D.K
18/9/35

DRAFT FOR APPROVAL.

	Date.	Initials.
When received for fair copying ..		
When copied ..		
When examined..		MKS
When signed ..		27/11/35
When despatched.		

SUBJECT:—

Irrigation - Minor - (Bellary) - Kudligi Taluk - Thippichilli Village - Tank (private) restored by suit - against - resumption from water rate - instructions issued

READ AGAIN _____, dated _____ 19__

" " _____ " _____ 19____.

READ *ALSO*:—

No. _____ From the _____, No. Hl-24 M 5793, dated _____ 19 Q.

" _____ " _____ " Hl-24 M 6990 " _____ 19____.

" _____ " _____ " _____ " _____ 19____.

~~Order~~ / Resolution ~~Ms.~~ / ~~Rout.~~ No. 4008, dated 22-10 19 35.

The Board observes that according to condition (2) of the compromise of the suit upheld with reference to B.P. No 3447 W.T. dt 23-11-1915, power was reserved only to charge water-cess for the non-fulfilment of the conditions and not for the resumption of the tank. The resumption ordered by the collr in 1926 was not therefore correct but the petition received by the collr in 1932 for the execution of the repairs to the tank carried with it the implication that the old grant of 1895 would be restored

The tank should therefore be treated as a private tank under B.S.O.7

2) The resumption ordered by the Calli in 1920 would have entailed the loss of assets on portions of the tank bed and land under cultivation before 1901 which the owners should have been paying with reference to the Orig Order of 1898. The grantees have now refused to pay the assets the

Irrigation - Minor - (Survey) - Kanniga
Taluk - Thippichalli Village - Tank (Poramboke)
assured by govt - Ayacut - exemption
from water rate -

M S-793

Bdle Ref M S-793-35-1 dt 21-8-35 }
M 6990

Added to this, at the instance of the grantees, the collr permitted them in 1932 to carry out the necessary repairs to the tank under the provisions of para 3 to B.S.o 7. It is seen from the above facts that the rights of the grantees in respect of this tank are the same as they were in 1915 when the suit filed by them was compromised. In the circumstances it seems that the tank in question cannot be treated as a ruined tank and or dealt with under B.S.o 8 but it should be considered to be a 'private tank' coming under the terms of B.S.o 7 and whether the collr may be informed accd.

According to condition (3) of the com

PV
16/10

should therefore be treated as a private tank under B 80 ! The Collr may be informed accordingly for orders

2. The resumption ordered by the Collr in 1920 would have entailed the loss of assessment on portions of the tank bed that have been under cultivation before 1901, which the owners should have been paying with reference to the original order of 1898. The grantees have now refused to pay the assessment thus foregone since 1920. As the tank was removed, it seems that the collection of this cannot be insisted on The question however arises whether from the date on which the grant will be restored by the Collr under the orders proposed above, the grantees should not be called upon to pay assessment on the portions of the bed bund for which they had been paying assessment under the original order of 1898. As the proposal is the restoration of the original grant the Collr may be asked to do this for orders

I agree with Supdt.

17.11

M3